

MEMORANDUM

June 9, 1967

TO: Boston Redevelopment Authority

FROM: Edward J. Logue, Development Administrator

SUBJECT: Amendment to Report and Decision on the Application for Approval of the Allston-Waverley Project and Consent To The Formation of Waverley Apartments, Inc.

Summary: This memorandum authorizes reconveyance of a 200' by 17' strip of land to an abutter, correspondingly adjusts the Project Area, and grants the Redeveloper certain additional zoning and building code deviations.

The FHA has completed processing of the Application which has been submitted by Waverley Apartments, Inc., and is preparing a commitment for mortgage insurance. In the course of its review, the FHA has requested certain modifications to the site plan which the Authority staff, Waverley Apartments, Inc. and its architects agree are an improvement over the original site plan approved by the Authority.

The revised site plan increases the number of apartments by two and parking spaces by three, so that the project now consists of 35 three-bedroom units, and 42 two-bedroom units in three-story apartment buildings, and 26 three-bedroom units in two-story row houses.

The new plan provides a variety of open space for the use of tenants, while conforming to the density requirements of the Application, and more than adequately meets the basic requirements of floor area ratio, height of buildings, usable open space and overall lot area of the Zoning Code.

The Boston Zoning Code, however, does not contemplate developments such as are proposed for the Allston-Waverley Project which is treated as a single lot under the Code. All parking will be located in off-street parking areas owned and maintained by the Redeveloper. As a result, a number of technical violations with respect to lot sizes and setback requirements exist.

In accordance with the provisions of Chapter 121A, Waverley Apartments, Inc. has submitted the attached Second Amendment to the Application requesting a number of deviations from the Zoning and Building Codes. These proposed deviations have been reviewed with the Building Commissioner, and in the attached letter, he indicates he has no objection to their adoption.

During the course of attempting to settle the claim of Louis and David Spector, Trustees of the Jadith Realty Trust, from whom were taken Lots No. 5, 6, and 7 Lawrence Street, Waverley Apartments, Inc. learned that the Trustees had been utilizing a 17' strip at the rear of the three condemned lots to provide parking and turning room to permit trucks to load from the rear of a building which the Trustees own on adjacent property along Lincoln Street. Mr. Conley and Mr. Dolan have viewed the area in question with the Redeveloper, and are satisfied that Jadith Realty Trust will incur a real hardship in that the loading platform at the rear of the major industrial building will no longer be able to be utilized and critical parking spaces will be lost.

Under the revised site plan, this 3837 sq.ft. area is surplus, and the project will not suffer any detriment by an adjustment of the project boundaries to permit its reconveyance. The Authority has awarded the Trustees of the Jadith Realty Trust the sum of \$3,335.83 as the fair market value of the three lots which have been acquired. The condemnees are willing to settle their claim against Waverley Apartments for this amount if the strip of land in question can be reconveyed to them. This action will prevent an unnecessary hardship to the owners of abutting industrial property and appears to be in the best interests of all concerned.

Accordingly, it is recommended that the Authority approve and adopt the attached Second Amendment to the Report and Decision adjusting the Project boundaries, authorizing this reconveyance, and granting the requested deviations.

BOSTON REDEVELOPMENT AUTHORITY

Second Amendment to Report and Decision
On Application for Approval Of The
Allston-Waverley Project and Consent To
The Formation of Waverley Apartments, Inc.
Adopted by Boston Redevelopment Authority
On November 19, 1964.

The "Report and Decision on Application for Approval of the Allston-Waverley Project and Consent To The Formation of Waverley Apartments, Inc." adopted by the Authority on November 19, 1964, as amended by First Amendment thereto adopted by the Authority on January 13, 1966, (hereinafter referred to as the "Report and Decision") is hereby amended by adding thereto the following Paragraph K:

"K. Land Disposition.

Pursuant to the provisions of Section 11 of Chapter 121A, Waverley Apartments, Inc. is hereby authorized to reconvey to Louis Spector and David Spector, as they are Trustees of the Judith Realty Trust, under a Trust Instrument dated September 14, 1944, and recorded with Norfolk Registry of Deeds, in Book 2505, Page 537, as amended by Indenture dated September 29, 1944, and recorded with said Deeds in Book 2893,

Page 589, certain portions of lots 5, 6, and 7 on Lawrence Street, as shown on plan by John N. McClintock, A.M.C.E., Engineer, dated June 13, 1905, and recorded with Suffolk Registry of Deeds in Book 3257, Page 442; said lots having been taken by Waverley Apartments, Inc. by an Order of Taking dated February 1, 1966, with the approval of the Boston Redevelopment Authority in accordance with the provisions of General Laws (Ter.Ed.), Chapter 121A, as amended, and Chapter 652 of the Acts of 1960 and pursuant to every other power thereunto enabling; said taking and approval being recorded on February 7, 1966, with the Registry of Deeds for Suffolk County in Book 8018, Pages 651 and 661, respectively.

"The description of the land to be reconveyed is as follows:

'Beginning at a point being easterly of Portsmouth Street at the south-easterly corner of land of Joseph and Ida P. Centola 17.39 feet; thence S 85°-27'23" E

'by land of the Grantor 221.40 feet;
thence S 9°-30'45"W by lands of the
Grantor and of Baratta 17.46 feet;
thence N 85°-27'23" W by land of the
Grantee 219.92 feet to the point of
beginning.

Containing 3837 square feet.

Also conveyed herein is an easement running
the full length of the above-described
parcel, being northerly of and immediately
adjacent thereto, the northerly limit of
which shall be 20.00 feet from and parallel
with land of the Grantee.."

Paragraph B of the Report and Decision is hereby amended to
read as follows:

"B. The Project. The Project consists of
the construction, operation and maintenance
by the 121A Corporation of 103 two- and
three-bedroom units and appurtenant
facilities on a tract of land bounded
generally by the rear lot lines of parcels
fronting on Waverley Street, Portsmouth
Street, Lincoln Street and South Waverley

Street, in the City of Boston, containing approximately 201,450 square feet described on a plan entitled "Revised Site Plan, Chapter 121A Project Area, Waverley Apartments, Inc." dated 22 March 1967, a copy of which was filed with the Second Amendment to the Application replacing the plans previously filed as Exhibit G thereto. The premises on which the Project is to be located are hereinafter referred to as the "Project Area". The following structures and facilities are proposed to be constructed thereon:

1. Four (4) three-story apartment buildings containing a total of 77 two- and three-bedroom units, storage space and other appurtenances.
2. Twenty-six (26) two-story row houses, consisting of three-bedroom units with private patios and a party wall between every two units.

3. On-site parking to accommodate 104 cars.
4. Outdoor tot lot, landscaped courts and walks.
5. Fencing and screen planting on the Project Area periphery."

Paragraph J. of the Report and Decision is hereby amended to read as follows:

"J. Deviations.

Exhibit C as revised June 6, 1967, by the Second Amendment to the Application, sets forth certain permissions requested for the Project to deviate from zoning, building, health and fire laws, codes, ordinances and regulations in effect in Boston. For the reasons set forth in the Application and supporting documents, and all Amendments thereto, in the evidence presented at the hearings and in this Report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the Project and may, subject to such, if any, conditions as are hereinafter stated with respect thereto respectively, be granted without

substantially derogating from the intent and purpose of the applicable laws, codes, ordinances or regulations respectively; the Authority is also satisfied by reliable and generally accepted tests, and by experience in other cities and on other FHA projects that the other designs, construction materials, apparatus, equipment, or methods specified in the Application and supporting documents in the evidence presented at the hearings and in this Report, will, subject to said conditions, sufficiently satisfy the purpose for which it or they are to be used and the purposes of such laws, codes, ordinances or regulations.

1. Parking in Front yards. (Boston Zoning Code, Section 10-1)

Permission is hereby granted to park within a portion of the front yard of Buildings No. 3, 4, 7, and 9.

2. Buildings On Rear of a Lot. (Boston Zoning Code, Section 14-5)

Permission is granted to deviate from requirements of Section 14-5 of the Boston Zoning Code, and the requirements of that section shall not apply to this Project.

3. Front Yard. (Boston Zoning Code Section 18-1)

For Buildings No. 3, 4, 7, and 9, as shown on the revised site plan, some of which are to be located perpendicular to the street on which the building nominally fronts, and the remainder having their major living areas oriented toward the central open space, the requirements for front yards are waived.

4. Rear Yard. (Boston Zoning Code Section 20-1)

With respect to Building No. 7 as shown on the revised site plan, which is to be located perpendicular to the street on which the building nominally fronts, the minimum rear yard requirement is waived.

5. Two or More Dwellings on the Same Lot.
(Boston Zoning Code, Section 222-4)

The minimum distance required between Buildings Nos. 1 and 2, 2 and 8, 3 and 4, 3 and 6, 5 and 6 is waived.

6. Apartment Doors. (General Laws, Chapter 143, Section 21)

Permission is granted in 3-story walk-up, Type A, Group H-2 Occupancy buildings as shown on the revised site plan, to permit apartment entrance doors to be "B" Label fire doors 3'0" wide and open into the apartments

7. Kitchen Light and Ventilation.
(Article 1006 of the Boston Building Code)

Permission is granted in 3-story walk-up, Type A, Group H-2 Occupancy buildings to substitute mechanical ventilation in place of outside windows in kitchens larger than 70 square feet, but less than 100 square feet in area.

8. Masonry Walls. (Article 1406 E & F)
(The Boston Building Code)

Permission is granted in 3-story walk-up, Type A, Group H-2 Occupancy

buildings to use 8" solid concrete block as a 3-story, interior, bearing fire wall with A.S.T.M. designations for solid block, provided the unit stresses outlined in Section 4213 of the Code are not exceeded, provided further that said block meets the four hour fire resistant rating as stated in the National Building Code, 1955 Edition.

9. Interior Staircases. (Article 1808-G)
(Boston Building Code)

Permission is granted in 3-story walk-up, Type A, Group H-2 Occupancy buildings to place hot water heat circulating pumps in stairwells, provided said pumps are enclosed by a wire screen, and provided further that no combustion chambers and no storage of combustible materials are permitted at this location.

10. Horizontal Exits. (Article 1815 of
Boston Building Code)

Permission is granted in three-story,
walk-up, Type A, Group H-2 Occupancy
buildings to count as a second means
of egress a horizontal path across a
common concrete balcony beyond a fire
separation through sliding glass
doors into an adjoining apartment
through a second fire separation
into a stairwell to grade.

11. Doorways As Exits. (Articles 1806,
1817 of the Boston Building Code)

Permission is granted in Type B,
Group I Occupancy, Type VI con-
struction buildings to count sliding
glass doors with plain tempered glass
as a second means of egress.

12. Roof Pitch. (Section 203D of the
Boston Building Code)

Permission is granted in Type B,
Group I Occupancy, Type VI con-
struction buildings to build roofs
at a 5 in 12 pitch instead of a 30
degree pitch.

Second Amendment to Application by Maurice Simon et al to Boston Redevelopment Authority dated November 30, 1964, for Authorization and Approval of a Project Under Massachusetts General Laws (Ter.Ed.) Chapter 121A, as amended, and Chapter 652 of the Acts of 1960 and for Consent to the Formation of a Corporation to be organized under the Provisions of said Chapter 121A.

Waverley Apartments Inc., a Massachusetts Corporation, organized under Chapter 121A of the General Laws, hereby applies to the Boston Redevelopment Authority for authority to reconvey to Louis Spector and David Spector, as they are Trustees of the Judith Realty Trust, under a Trust Instrument dated September 14, 1944, and recorded with Norfolk Registry of Deeds, in Book 2505, Page 537, as amended by Indenture dated September 29, 1944, and recorded with said Deeds in Book 2893, Page 589, certain portions of lots 5, 6, and 7 on Lawrence Street, as shown on plan by John N. McClintock, A.M.C.E., Engineer, dated June 13, 1905, and recorded with Suffolk Registry of Deeds in Book 3257, Page 442; said lots having been taken by Waverley Apartments, Inc. by an Order of Taking dated February 1, 1966, with the approval of the Boston Redevelopment Authority in accordance with the provisions of General Laws (Ter.Ed.), Chapter 121A, as amended, and Chapter 652 of the Acts of 1960 and pursuant to every other power thereunto enabling; said taking and approval being recorded on February 7, 1966 with the Registry of Deeds for Suffolk County in Book 8018, Pages 651 and 661, respectively.

The description of the land to be reconveyed is as follows:

"Beginning at a point being easterly of Portsmouth Street at the southeasterly corner of land of Joseph and Ida P. Centola; thence running N 4°-39'15" E. by land of said Centola 17.39 feet; thence S 85°-27'23" E by land of the Grantor 221.40 feet; thence S 90°-30'45" W by lands of the Grantor and of Baratta 17.46 feet; thence N 85°-27'23" W by land of the Grantee 219.92 feet to the point of beginning.

Containing 3837 square feet.

Also conveyed herein is an easement running the full length of the above-described parcel, being northerly of and immediately adjacent thereto, the northerly limit of which shall be 20.00 feet from and parallel with land of the Grantee."

The above-captioned Application as previously amended by First Amendment thereto dated January 13, 1965, is hereby further amended as follows:

1. Paragraph 3 thereof is deleted and the following paragraph is substituted therefor:

"3. The following is a general boundary description of the Project Area: the land in Boston, Suffolk County, Massachusetts, bounded as follows:

Beginning on the Westerly side of South Waverly Street and the Northerly side of School Street (a private way); thence running N 86°-06'-00" W along the North side line of School Street a distance of 178.73 feet to a point; thence N 3°-54'-00" E by the land of Tomacelli 101.70 feet; thence N 86°-06'-00" W by land of Mazzola, Svagzdis, Tehan, Buck Buckofsky, Magazzu 309.19 feet; thence S 3°-54'-00" W by land of Barr 101.70 feet; thence N 86°-06'-00" W by the Northerly side line of School Street 34.69 feet; thence S 3°54'-00" W by land of Longden and Roberts 35.00 feet; thence S 3°-44'-19" W by land of Roberts, Centola, Lewansky, King and Tawlimiere, Murphy 299.54 feet; thence N 85°-20'-45" W along the Northerly side of Lawrence Street (a private way) 97.53 feet to a point on the Easterly side line of Portsmouth Street; thence S 3°-33'-43" W along the Easterly side line of Portsmouth Street 35.01 feet to a point on the Southerly side line of Lawrence Street; thence S 85°-20'-45" E along the Southerly side of Lawrence Street 97.41 feet; thence S 3°-44'-44" W by land of Daukas and Mazeiko, Centola 64.29 feet; thence S 85°-27'-00" E by land of Centola 38.96 feet; thence S 4°-39'-15" W by land of Centola 12.16 feet; thence S 85°-27'-23" E by land to be conveyed to Spector 221.40 feet; thence S 9°-30'-45" W by land to be conveyed to Spector 6.46 feet; thence S 80°-39'-08" E by land of Baratta 59.37 feet; thence N 4°-39'-15" E by land of Baratta and Barrett 87.24 feet to a point on the Southerly side line of Lawrence Street; thence S 85°-20'-45" E along the Southerly side of Lawrence Street 96.00 feet to a point on the Westerly side line of South Waverly Street; thence N 19°-38'-12" E along the Westerly side of South Waverly Street 36.23 feet to a point on the Northerly side line of Lawrence Street; thence N 85°-20'-45" W along the Northerly side of Lawrence Street 57.87 feet; thence N 3°-44'-19" E by land of Parise 80.00 feet; thence S 85°-20'-45" E by land of Parise 22.00 feet; thence N 3°-44'-19" E by land of Abbondanzio 144.69 feet; thence N 86°-06'-00" W by land of Filippone 80.00 feet; thence N 3°-44'-19" E by land of Filippone 80.00 feet to a point on the Southerly side line of School Street; thence S 86°-06'-00" E along the Southerly side of School Street 202.72 feet to a point on the Westerly side line of South Waverly Street; thence N 19°-38'-12" E along the Westerly side of Waverly Street 36.36 feet to the point of beginning.

Containing 201,453 square feet (4.625 Acres).

Included in the above-described parcel are three parcels of registered land filed at the Massachusetts Land Court under case number 8800, 27458 & 28169.

Said property is subject to an easement running the full length of land to be conveyed to Spector, being Northerly of and immediately adjacent thereto the Northerly limit of which shall be 20.00 feet from and parallel with present land of said Spector.

2. Paragraph 5 hereof is amended by deleting the words thirty-four (34) on line 4 of page 7 of the application and substituting the words twenty-six (26) therefor; by deleting the word eighteen (18) on line 7 of page 7 of said application and substituting the words thirty-five (35) therefor; and by deleting the words forty-eight (48) on line 10 of page 7 of said application and substituting the words forty-two (42) therefor; by deleting the number one hundred (100) on line 13 of page 7 of said application and substituting the number 104 therefor.

3. Exhibit B thereof is amended by deleting the "Description of Property" therein and substituting therefor the description set forth in the preceding paragraph.

4. Exhibit C thereof, dated May 26, 1964, is deleted, and Exhibit C, dated June 6, 1967, is substituted therefor.

5. Exhibit G thereof, consisting of a plan entitled "Site Plan, Ch. 121A, Project Area, Waverley Apartments, Inc.", dated March 30, 1964, as modified by a plan entitled "Revised Site Plan, Ch. 121A Project Area, Waverley Apartments, Inc." dated November 18, 1964, referred to in paragraph B of the Report and Decision approved November 18, 1964, is further modified by deleting said plans and substituting therefor a plan entitled "Revised Site Plan, Ch. 121A, Project Area, Waverley Apartments, Inc.," dated 22 March, 1967.

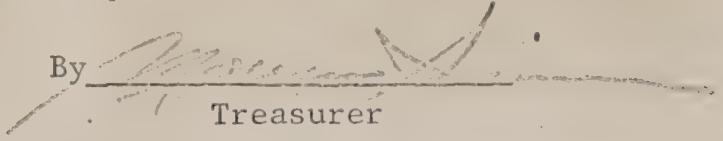
Waverley Apartments, Inc. hereby requests the Authority to authorize and approve a project ("the Project") to be constructed, operated and maintained on the premises described in Paragraph 3 of the Application as amended hereby ("the Project Area") in accordance with the provisions of Mass. G.L. (Ter.Ed.) Chapter 121A as amended, the provisions of Chapter 652 of the Acts of 1960 as amended, and the Application and accompanying addenda as amended by First Amendment thereto and this Amendment, and to amend in accordance with this Second Amendment the "Report and Decision on the Application for Approval of the Redevelopment Project and

Consent to the formation of Waverley Apartments, Inc.," adopted
by the Authority on November 10, 1964.

EXECUTED as of the 7th day of June, 1967.

WAVERLEY APARTMENTS, INC.

By


Treasurer

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

June 7, 1967

Then personally appeared the above named Maurice Simon,
Treasurer, and acknowledged the foregoing instrument to be the
free act and deed of Waverley Apartments, Inc., before me


George L. Radde
Notary Public

My commission expires 11/31/2012

1972



CITY OF BOSTON
BUILDING DEPARTMENT

970

RECEIVED
APR 28 1967

EDWIN T. STEFFIAN
AND ASSOCIATES, INC.

ROBERT E. MURKIN R. R. Thuma, Jr.
BUILDING COMMISSIONER

THOMAS L. FLYNN
DEPUTY BUILDING COMMISSIONER

FRANK J. COUGHLIN
EXECUTIVE SECRETARY

OFFICE OF THE BUILDING COMMISSIONER

Ninth Floor, City Hall Annex

BOSTON 8, MASSACHUSETTS

ADDRESS REPLY TO
THE BUILDING COMMISSIONER

April 26, 1967

Edwin T. Steffian and Associates, Inc.
19 Temple Place
Boston, Massachusetts 02111

Attention Mr. Peter Steffian:

Dear Mr. Steffian:

It is my understanding that you have requested this Department to return your correspondence of April 20, 1967. I have asked that all of the copies of this be returned to you for your disposition.

I suggest that you take the matters that we discussed to the Boston Redevelopment Authority and ask them for relief under Section 121 a. I will not oppose this route; on the contrary I support you in your contention for relief. I am simply not empowered to act in the way that your letter of April 20 suggests.

Sincerely,

A handwritten signature in black ink, appearing to read "R. R. Thuma, Jr." with a stylized "R" and "T".

R. R. Thuma, Jr.

RRT:ls

Enc.
cc. J. O'Farrell
fc

EDWIN T. STEFFIAN AND ASSOCIATES, INC. ARCHITECTS • PLANNERS
19 TEMPLE PLACE • BOSTON, MASSACHUSETTS 02111 • AREA CODE 617 542-1940

EDWIN T. STEFFIAN A.I.A.

PETER STEFFIAN A.I.A.

JOSEPH M. BRADLEY, JR. R.A.

6 June 1967

Boston Redevelopment Authority
City Hall Annex
Boston, Massachusetts 02108

Attention Mr. James Dolan

RE: WAVERLY APARTMENTS

Gentlemen:

We respectfully request the following permissions as a
121A Corporation:

I. ZONING CODE

SECTION

10-1 Parking in Front Yards

Permission is requested to park within a portion
of the front yard of Buildings No. 3, 4, 7 and 9,
adequate open and recreational space to compensate
therefor being provided elsewhere within the project.

14-5 Buildings on Rear of a Lot

Permission is requested to deviate from this sec-
tion of the Code, in that the entire project com-
prises a single lot which is entirely within the
interior of a block and therefore all buildings on
it are technically rear lot buildings.

18-1 Front Yard

Permission is requested to deviate from Section 18-1
of the Code with respect to Buildings #3, 4, 7 and
9 for the reasons set forth in the request for
deviation from Section 10-1 above.

20-1 Rear Yard

Permission is requested to deviate from Section 20-1
of the Code with respect to Building #7 for the
reasons set forth in the request for deviation from
Section 10-1 above.

I. ZONING CODE (continued)

SECTION

22-4 Two or more Dwellings on the same Lot

Permission is requested to deviate from this section of the Code relating to distance between buildings 1 and 2, 2 and 8, 3 and 4, 3 and 6, 5 and 6, in that open space for all occupants, and light and air for all rooms designed for human occupancy will not be less than would be provided if the requirements of this section were met.

II. BUILDING CODE

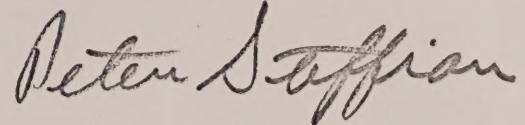
A.. 3-Story Walkup, Type A, Group H₂ Occupancy

1. Permission is requested to deviate from Section 21 of Chapter 143 of General Laws, to allow apartment doors to be "B" Label 3'-0" wide and open into the apartments.
2. Art. 1006: Permission to have kitchens larger than 70 sq. ft. but less than 100 sq. ft. without windows to outside, with mechanical ventilation.
3. Art. 1406 (e), (f): Permission is requested to use 8" solid concrete block as a 3-story interior bearing wall using A.S.T.M. designations for solid block as long as the unit stresses outlined in Section 2413 of the Code are not exceeded, provided said block meets the four hour fire resistant rating as stated in the National Building Code, 1955 Edition.
4. Art. 1808 (g): Permission is requested to place hot water heat circulating pumps in stair wells, to be enclosed by a wire screen and no combustion chambers and no storage of combustible materials to be permitted at this location.
5. Art. 1815: Permission is requested to count as a second means of egress a horizontal path across a common concrete balcony beyond a fire separation through sliding glass doors into an adjoining apartment through a second fire separation into a stair well to grade.

B. Town Houses, Type B, Group I Occupancy, Type VI Construction

1. Art. 1806, 1817: Permission is requested to count sliding glass doors with plain tempered glass as second means of egress
2. Permission is requested to build roofs at a 5 in. 12 pitch instead of a 30° pitch.

Very truly yours,



Peter Steffian

PS:gaf

CC:

Commissioner Thuma
Waverly Apartments, Inc.